

**UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT**

Deborah S. Hunt
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Filed: May 20, 2022

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U.S. Department of Justice
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Mr. Zachary Lee Newland
Law Office
P.O. Box 2275
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Re: Case No. 21-1374/21-1375, *William Phillips v. USA*
Originating Case No. : 2:19-cv-12222 : 2:17-cr-20632-5

Dear Counsel,

The Court issued the enclosed Order today in this case. Judgment to follow.

Sincerely yours,

s/C. Anthony Milton
Case Manager
Direct Dial No. 513-564-7026

cc: Ms. Kinikia D. Essix

Enclosure

Mandate to issue

Nos. 21-1374/1375

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

FILED
May 20, 2022
DEBORAH S. HUNT, Clerk

WILLIAM T. PHILLIPS,

Petitioner-Appellant,

v.

UNITED STATES OF AMERICA,

Respondent-Appellee.

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ORDER

Before: GUY, DONALD, and BUSH, Circuit Judges.

William T. Phillips, a federal prisoner proceeding through counsel, appeals the district court's orders in two cases deeming his motions to vacate, set aside, or correct his sentence under 28 U.S.C. § 2255 to have been withdrawn—based on Phillips's purported pro se assertion that he had not authorized them to be filed—and denying his motions for reconsideration of those orders. We granted Phillips a certificate of appealability. The parties have now filed joint motions to remand for further proceedings. They agree that Phillips's pro se filing should not have been construed as withdrawing his § 2255 motions and that his motions for reconsideration should have been treated as timely motions under Federal Rule of Civil Procedure 59(e).

Accordingly, we **GRANT** the parties' joint motions to remand, **VACATE** the district court's orders deeming Phillips's § 2255 motions to have been withdrawn and denying his motions for reconsideration, and **REMAND** for further proceedings.

ENTERED BY ORDER OF THE COURT



Deborah S. Hunt, Clerk